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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,917	12/23/2004	Masato Yoshikawa	NEC03P070-S1b	7264
21254 7590 07/10/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER TAHA, SHAQ	
			ART UNIT 2109	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,917

Applicant(s)

YOSHIKAWA, MASATO

Examiner

shaq taha

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The instant application having Application No. 10/518,917 has a total of 24 claims pending in the application; there are 18 independent claims and 6 dependent claims, all of which are ready for examination by the examiner.

Oath/Declaration

The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

Priority

As required by **M.P.E.P. 201.14(c)**, acknowledgement is made of applicant's claim for priority based on applications filed on June 11, 2003 (Japan 2003-07396).

Drawings

The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information Disclosure Statements dated Dec 23, 2004 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17 - 24 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- As per claims 17 - 24, Applicant has claimed a “a program product” for causing a computer to “execute” instructions in the preamble to these claims; this implies that Applicant is claiming a system of software, per se, lacking the hardware necessary to realize any of the underlying functionality. Therefore, claims 17 – 24 are directed to non-statutory subject matter as computer programs, per se, i.e. the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a

computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Penny, Jr. et al (US 6,070,050).

- Regarding claim 1, Penny teaches a terminal device, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**
comprising: means for receiving as input a destination of a message that is to be transmitted, **[This allows messaging devices to return to a lower power mode if they are not in an area that will receive messaging traffic during their assigned block, (Column 4, line 23 – 27)];**
and a position at which the message is to be received, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

and means for appending to said message position information that indicates said position that has been received as input, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)]**.

- Regarding claim 2, Penny teaches A terminal device further comprising position-acquisition means for acquiring the current position information, **[See Fig. 3];** wherein said appending means appends to said message position information that has been acquired by said position-acquisition means as position information of the position at which the message is to be received, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number (Column 6, lines 21 - 25) & (Fig. 3)]**.
- Regarding claim 3, Penny teaches a terminal device comprising: position-acquisition means for receiving a position request from a server device and then acquiring a position, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)]**.
and a position information transmission means for transmitting position information that has been acquired by said position-acquisition means to said server device, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within**

which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].

- Regarding claim 4, Penny teaches a server device for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is the transmission destination, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite(s) 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**

said server device comprising: message storage means for, upon receiving a message that has been transmitted from a terminal device that is a transmission origin, storing the message that has been received, [Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];

position request means for extracting destination address and position information from a message that has been stored in said message storage means, [A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)].

and submitting a position request to the terminal device that is the transmission destination that is indicated by the destination address, [When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600)

is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];

and message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said position request, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

- Regarding claim 5, Penny teaches a server device for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**
the server device comprising: message storage means for storing messages, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**
position request means for, upon receiving a message that has been transmitted from a terminal device that is a transmission origin, submitting a position request to the terminal

device that is the transmission origin of the message that has been received, and further, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

extracting a destination address and position information from a message that is stored in said message storage means, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

and submitting a position request to the terminal device that is the transmission destination of the destination address, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

appending means for appending position information of said terminal device that is the transmission origin that has been transmitted in response to a position request to said terminal device of the transmission origin to said message as position information of the position at which the message is to be received, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)];**

and storing in said message storage means, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

and message management means for transmitting the message to said terminal device that is the transmission destination when position information of said terminal device that is

the transmission destination and that has been transmitted in response to a position request to said terminal device that is the transmission destination matches with position information that has been appended to said message, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)]**.

- Regarding claim 6, Penny teaches a message transmitting and receiving system for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)]**;
said message transmitting and receiving system comprising: a terminal device, **[A global message delivery system transmits messages to messaging devices, (See Abstract)]**;
that is the transmission origin that includes: means for receiving as input the destination of a message and the position at which the message is to be received, , **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)]**;
and appending means for appending to said message position information that indicates said position that has been received as input, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)]**;

a server device, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**

that includes: message storage means for, upon receiving a message that has been transmitted from said terminal device that is the transmission origin, storing the message that has been received, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

position request means for extracting a destination address and position information from a message that has been stored in said message storage means and submitting a position request to a terminal device that is the transmission destination that is indicated by said destination address, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

and message management means for transmitting said message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information from said terminal device that is the transmission destination that has been transmitted in response to said request for position, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that**

the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)];

and a terminal device that is the transmission destination that includes: first position-acquisition means for receiving a position request from said server device and acquiring position, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

and position information transmission means for transmitting position information that has been acquired by said first position-acquisition means to said server device, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

- Regarding claim 7, Penny teaches a message transmitting and receiving system wherein: said terminal device that is the transmission origin further includes second position-acquisition means for acquiring the current position information, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];** said appending means appends position information that has been acquired by said second position-acquisition means to said message as position information of a position at which the message is to be received, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)].**

- Regarding claim 8, Penny teaches a message transmitting and receiving system for transmitting a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)];**
said message transmitting and receiving system comprising: a terminal device that is the transmission origin that includes: first position-acquisition means for receiving a position request from said server device and acquiring position, , **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**
and position information transmission means for transmitting position information that has been acquired by said first position-acquisition means to said server device, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)];**
a server device, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];**
that includes: message storage means for storing messages, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

position request means for, upon receiving a message that has been transmitted from a transmission origin terminal device, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

submitting a position request to the terminal device that is the transmission origin of the message that has been received, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

and further, extracting the destination address and position information from a message that has been stored in said message storage means and submitting a position request to the transmission destination terminal device of the destination address, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

appending means for appending to said message position information of said terminal device that is the transmission origin that has been transmitted in response to the position request to said terminal device that is the transmission origin as position information of the position at which the message is to be received, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)];**

and storing in said message storage means, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

Art Unit: 2109

and storing the message in said message storage means, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

and message management means for transmitting the message to said terminal device that is the transmission destination when position information that has been appended to said message matches with position information of said terminal device that is the transmission destination that has been transmitted in response to the position request to said terminal device that is the transmission destination, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

and a terminal device that is the transmission destination, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

that includes: second position-acquisition means for accepting a position request from said server device and then acquiring position; and position information transmission means for transmitting position information that has been acquired by said second position-acquisition means to said server device, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

- Regarding claim 9, Penny teaches a message transmitting and receiving method, [**A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract);**
comprising steps wherein: in a terminal device, [**A global message delivery system transmits messages to messaging devices, (See Abstract);**
that is a transmission origin, a destination to which a message is to be transmitted and a position at which the message is to be received are received as input, [**In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11);**
and said terminal device that is the transmission origin appends position information that indicates said position that has been received as input to said message and then transmits said message, [**FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25);**
- Regarding claim 10, Penny teaches a message transmitting and receiving method, further comprising a step of: acquiring the current position information of said terminal device that is the transmission origin wherein, [**The first group of every block 320 is the Acquisition Group 330 for that block. The Acquisition Group 330 includes a special Block Header Message that indicates in which frames in the subsequent groups of the block messages will be sent to the area covered by the Acquisition Group 330, (Column 4, lines 17 – 21);**

in said step of appending position information to said message, said acquired position information is appended to said transmission message as position information of the position at which the transmission message is to be received, **[The Opportunity Table is a transmitting schedule for the satellites in the message delivery system, and it is based on the LDA coordinate system, (Column 5, lines 20 – 22)].**

- Regarding claim 11, Penny teaches a message transmitting and receiving method, comprising steps wherein: a terminal device that is a transmission destination accepts a position request from a server device and acquires position, **[Messages are sent from control centers 117 to messaging devices 130 via satellites 110, (Column 2, lines 48 – 50)];**
and said terminal device that is the transmission destination transmits said position information that has been acquired to said server device, **[global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)].**
- Regarding claim 12, Penny teaches a message transmitting and receiving method for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119.**

Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];

said message transmitting and receiving method comprising steps of: upon receiving a message that is transmitted from a terminal device that is a transmission origin, storing the message that has been received, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)];**

extracting a destination address and position information from a message that has been stored and submitting a position request to a transmission destination terminal device of the destination address, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

transmitting the transmission message to said transmission destination terminal device when position information that has been appended to said transmission message matches with position information from said transmission destination terminal device that has been transmitted in response to said position request, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)];**

- Regarding claim 13, Penny teaches a message transmitting and receiving method for delivering a message that has been transmitted from a terminal device that is a transmission origin to a terminal device that is a transmission destination, **[System 100**

includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)];

said message transmitting and receiving method comprising steps of: upon receiving a message that is transmitted from a terminal device that is a transmission origin, submitting a position request to the terminal device that is the transmission origin that has transmitted in the message that was received, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

appending position information of said terminal device that is the transmission origin that has been transmitted in response to the position request to said terminal device that is the transmission origin to said transmission message as position information of the position at which said transmission message is to be received and storing said transmission message, **[FIG. 2 indicates that, to determine LDAs adjacent to LDA 204, one only needs to add or subtract one to a row number and add or subtract one from the position number, (Column 6, lines 21 - 25)];**

extracting a destination address and position information from a message that has been stored and submitting a position request to the transmission destination terminal device of the destination address, **[In a preferred embodiment, the location is established using**

the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];

and transmitting the transmission message to said transmission destination terminal device when position information that has been appended to said transmission message matches with position information from said transmission destination terminal device that has been transmitted in response to said position request, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)].**

- Regarding claim 14, Penny teaches a message transmitting and receiving method for delivering a message that has been transmitted from a terminal device to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)];**

said message transmitting and receiving method comprising steps wherein: the terminal device that is the transmission origin receives as input a destination of a transmission message and a position at which the transmission message is to be received, **[Also in a preferred embodiment, the system calculates adjacent LDAs and/or beams within which to transmit a message in order to increase the likelihood that the destination messaging device will be able to receive the message, (Column 6, lines 14 – 17)];**

the terminal device that is the transmission origin appends position information that indicates the position that has been received as input to said transmission message, **[A global message delivery system transmits messages to messaging devices, (See Abstract)]**;

a server device, upon receiving a message that is transmitted from the terminal device that is the transmission origin, **[System 100 includes one or more control centers 117. Control centers 117 reside on the surface of the earth and are in communication with nearby satellite 110 through link 119. Satellites 110 are also in communication with one another through cross-links 108, (Column 2, lines 23 – 27)]**;

stores the message that has been received, **[Processor 830 couples to memory 840, but may also include means for internal storing, (Column 7, lines 36 – 37)]**;

said server device extracts a destination address and position information from the message that has been stored, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)]**;

and submits a position request to the transmission destination terminal device of the destination address, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)]**;

the terminal device that is the transmission destination receives the position request from said server device and acquires position, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

said terminal device that is the transmission destination transmits the acquired position information to said server device, **[Messages are sent from control centers 117 to messaging devices 130 via satellites 110, (Column 2, lines 48 – 50)];**

and said server device transmits the transmission message to said transmission destination terminal device when position information that is appended to said transmission message matches with position information from said transmission destination terminal device that has been transmitted in response to said position request, **[In step 704, a request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)].**

- Regarding claim 15, Penny teaches a message transmitting and receiving method further comprising a step wherein: said terminal device that is the transmission origin acquires current position information, **[In a preferred embodiment, the location is established using the LDA coordinate system of rows and positions and/or associated LDA number, (Column 6, lines 9 – 11)];**

wherein, in the step of appending position information to said message, **[The Acquisition Group 330 includes a special Block Header Message that indicates in which frames**

in the subsequent groups of the block messages will be sent to the area covered by the Acquisition Group 330, (Column 4, lines 18 – 22));

said terminal device that is the transmission origin appends said position information that has been acquired to said message as position information of the position at which the message is to be received, **[A global message delivery system transmits messages to messaging devices, (See Abstract)].**

- Regarding claim 16, Penny teaches a message transmitting and receiving method for delivering a message that has been transmitted from a terminal device to a terminal device that is a transmission destination, **[A global message delivery system (100) transmits messages to messaging devices (130) using a plurality of satellites, (See Abstract)];**

said message transmitting and receiving method comprising steps wherein: a server device, upon receiving a message that has been transmitted from a terminal device that is the transmission origin, submits a position request to the terminal device that is the transmission origin that has transmitted the message that has been received, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

said terminal device that is the transmission origin receives the position request from said server device and acquires its position, **[When a request is received (704) to deliver a**

message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];

said server device appends the position information of said terminal device that is the transmission origin that has been transmitted in response to the position request to said terminal device that is the transmission origin to said transmission message as position information of the position at which the message is to be received and stores the message,

[In step 704, a request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];

said server device extracts a destination address and position information from the message that has been stored, **[A request to deliver a message to a destination messaging device is received by a control center The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];**

and submits a position request to the transmission destination terminal device of the destination address, **[When a request is received (704) to deliver a message to a messaging device (130), an Opportunity Table (600) is used to quickly determine which beam (210) to use to deliver the message, (See Abstract)];**

the terminal device that is the transmission destination receives the position request from the server device and acquires position, **[A request to deliver a message to a destination messaging device is received by a control center The destination**

messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)];

said terminal device that is the transmission destination transmits said position information that has been acquired to said server device, **[A global message delivery system transmits messages to messaging devices, (See Abstract)];**

said server device transmits the transmission message to said transmission destination terminal device when position information that is appended to said transmission message matches with position information from said transmission destination terminal device that has been transmitted in response to said position request, **[In step 704, a request to deliver a message to a destination messaging device is received by a control center**
The destination messaging device is desirably identified in the request by its messaging device identification number, (Column 6, lines 1 – 5)].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,070,050. Method and apparatus for delivering messages to devices located within logical delivery areas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

Art Unit: 2109

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

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Shaq Taha

6/28/2007



JEFFREY PWU
SUPERVISORY PATENT EXAMINER